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APPLICATION NO. 09/479,985	FILING DATE 01/10/01	FEENEY FIRST NAMED INVENTOR	P-5543 ATTORNEY DOCKET NO.
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024492 QM22/1026
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WONG, S	EXAMINER
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3711 ART UNIT	PAPER NUMBER
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10/26/01

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/479,985

Applicant(s)
Feeney et al.

Examiner
Steven Wong

Art Unit
3711



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Aug 30, 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above, claim(s) 17-21 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 and 22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- *See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☐ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
- 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: _____

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Claim Rejections - 35 USC § 112

1. The arguments of the request for reconsideration are persuasive and the rejection under 35 U.S.C. 112 has been withdrawn.

Claim Rejections - 35 USC § 103

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
3. Claims 1-8, 10-14, 16 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al. in view of "Manual for the Rubber Industry". Walker et al. disclose a basketball construction including a bladder (12), a layer of filaments (16) wound over the bladder and a cover (34) of polyurethane for the ball. However, Walker et al. lack the teaching for the cover to be formed from vulcanized urethane gum rubber.

"Manual for the Rubber Industry" reveals the manufacturing process for vulcanized urethane gum rubber and notes its advantages. Note page 175 which states that the vulcanized urethane gum rubber possesses "particularly good mechanical properties" and "wear resistance under many service conditions is better than that of other elastic materials". Thus, it would have been obvious to one of ordinary skill in the art to replace the polyurethane cover of Walker et al. with the vulcanized urethane gum rubber taught by "Manual for the Rubber Industry" in order to provide an improved cover with better mechanical properties and wear resistance.

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Regarding claims 2-6 and 10, "Manual for the Rubber Industry" teaches the cross linking of the urethane with sulfur and the use of the other materials for forming the urethane.

Regrading claims 7 and 8, Walker et al. teach the use of a rubber carcass (20) as an inner layer.

Regarding claims 11-14 and 22, note the rejections of claims 1-8 and 10 above.

4. Claims 9 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al. in view of "Manual for the Rubber Industry" and Schindler et al. The combination of Walker et al. in view of "Manual for the Rubber Industry" lacks the teaching for the inner layer to be foamed.

Schindler et al. reveal a basketball construction including a bladder (12), a layer of windings (14), an inner layer (16) of foamed rubber and a cover (18). It would have been obvious to one of ordinary skill in the art to replace the inner layer of Walker et al. with that of Schindler et al. for the reasons advanced by Schindler et al.

5. Claims 1-16 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Molitor et al. in view of "Manual for the Rubber Industry". Molitor et al. disclose an inflated game ball comprising a cover (12), an inner carcass (11) and a sponge layer (15). Note column 2, lines 31 and 32 of Molitor et al. which teach that the cover may be formed from rubber.

It would have been obvious to one of ordinary skill in the art to form the cover of Molitor et al. from the material of the "Manual for the Rubber Industry" in order to take advantage of that material's physical characteristics.

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Regarding claims 9 and 15, Molitor et al. teach the use of a sponge layer.

Response to Arguments

6. Applicant's arguments filed August 30, 2001 have been fully considered but they are not persuasive. The argument that the vulcanized urethane gum rubber of the "Manual for the Rubber Industry" is a natural rubber is noted. Attention is directed to page 175, lines 5-10 which state that the vulcanized urethane gum rubber is based on polyurethane. Thus, the "Manual for the Rubber Industry" provides a suggestion to replace the polyurethane cover of Walker et al. with the vulcanized urethane gum rubber for the advantages as taught by the "Manual for the Rubber Industry".

Information Disclosure Statement

7. Regarding the articles "Manual for the Rubber Industry" and "UREPAN-Specialty Elastomers with a Wide Range of Applications for the Rubber Industry" the applicant has not provided a priority date for the publications. See 37 CFR 1.98(b) and MPEP 609A(1). The articles have been assumed to be prior art and applied as such, however, the applicant is required to submit a publication date for the articles.

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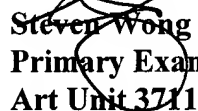
Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven Wong whose telephone number is (703) 308-3135.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-1148.

Official responses, subject to the provisions of 37 C.F.R. 1.6(d), can be faxed to (703) 305-3579.

Unofficial faxes which are meant for discussion purposes only should be sent to (703) 308-7768. It is strongly suggested that the examiner be contacted directly before sending any unofficial fax.


Steven Wong
Primary Examiner
Art Unit 3711

SBW
October 24, 2001